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Per *NSC letter 12/22/92*
By: *MLP* JG: Data *8/30/97*

August 16, 1971

MEMORANDUM FOR: THE PRESIDENT

FROM: HENRY A. KISSINGER

SUBJECT: My Meeting With the North Vietnamese,
August 16, 1971

ON-FILE NSC RELEASE
INSTRUCTIONS APPLY

I met again with the North Vietnamese on August 16. It was essentially a holding action, with Le Duc Tho still in Hanoi.

They have apparently not yet made their decision about accepting our political formula, a decision which must be very anquishing for them. Nonetheless, they are clearly anxious not to break off the channel and they are paying some price.

-- Thuy made a point of praising the fact that we gave them our various points in writing. We did it to make sure there was a comprehensive record; Thuy claimed it was a step forward.

-- Thuy praised the new formulation of our withdrawal pledge, even though it only rephrased what I had already told them.

-- He said that the political problem is still unsettled and that our withdrawal deadlines are far apart, but that the other issues, including the ceasefire, can be resolved.

-- He made a shift in their POW position, agreeing to the exchange of lists at the time of settlement and also, in effect, agreeing to release all our men held throughout Indochina. This pretty well pins down agreement on this question.

Despite the absence of a breakthrough, I agreed to their suggestion to meet again in four weeks, on September 13. I did so for the following reasons:

. We are improving our already good negotiating record. We had to give them an opportunity to consider our new version.

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. We have a channel if they want to settle, and which forces them continually to review and modify their position.

. We may keep them from escalating during the electoral campaign.

. We have a good justification should we retaliate if they do escalate.

. I must come to Paris anyway to work out the details of my interim visit to Peking and the announcement of your visit.

. We have nothing to lose, except my 36 hours of inconvenience, and we achieve nothing by breaking off now (they are not keeping us from anything we want to do.).

What Happened

-- I began the meeting by tabling our new eight points (attached at Tab A) as what we would consider an agreed statement of principles fair to both sides. It essentially represents an amalgam of our original seven points and their nine points, recording all the progress made to date and suggested formulations on remaining issues.

I included a withdrawal deadline of August 1, 1972, provided we signed a final agreement by November 1, 1971. On the political questions I gathered together all the statements we had already said we would be prepared to make, e.g., our neutrality in the South Vietnamese election; willingness to abide by the political process; international neutrality for South Vietnam; limitations on aid to both Vietnams; and eventual reunification.

-- As a separate understanding I repeated the pledge we made last time to ask Congress for about a \$7 billion aid package, including at least \$2 billion for North Vietnam, after a settlement.

-- Thuy began his remarks on a very hard note asserting that we had not maintained our agreements to refrain from escalation, to keep the channel secret, and to deal directly with Hanoi.

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-3-

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. He accused us of bombing raids against North Vietnam, including B-52 raids.

. He said your press conference statement about "established channels" gave away the secrecy of our talks.

. He said (without giving specifics) that we were trying to deal with them through intermediaries rather than directly.

-- I replied in the toughest language I have ever used with them, accusing Thuy of having brought me there under false pretexts if all he was planning was to repeat the propaganda arguments he used at the Hotel Majestic.

. I said that we were not conducting bombing raids against North Vietnam, particularly B-52's, and were exercising military restraint on our allies, but that the North Vietnamese were violating our understanding by a road through the DMZ and other build-ups in the area. I reinforced this after the end of our formal meeting when I told Thuy that an attack in that area could have drastic consequences.

. I said that your press conference statement could refer to any possible contacts and was an effort to set the record straight in the light of their continuing propaganda claims that we had not responded seriously to Mme. Binh's seven points.

. I said that we were dealing with them directly, although I had informed the Chinese of the general nature of our talks while in Peking (though not since). As for the Russians, I only confirmed what Dobrynin told me Hanoi had reported in Moscow. I accused them of making debating points rather than dealing seriously with the issues.

-- Thuy backed off, saying that all negotiators had to follow instructions.

-- After a long break, he read a prepared statement in which he made the following points:

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-4-

. He complained that our withdrawal deadline of nine months was too long, but he indicated that this was a subject which would be discussed.

. He was hard on remaining technical and logistic personnel, saying it was a question of principle that all American military and technical personnel should leave.

. He agreed that lists of POW's should be prepared on the day an agreement is signed, and said that all military and civilians captured during the war would be returned (which he later expanded, under questioning, to imply that they would "use influence" with their allies to get them to return our men elsewhere in Indochina).

. He then returned to the political issue, saying that our pledge to remain neutral in the South Vietnamese election would have no effect. To reinforce this, he said that your recent press conference statement that we would remain neutral appears to have had no effect on Thieu, who was still using all his machinery to win.

. He emphasized Hanoi's and the NLF's desire for a neutral South Vietnam, with a government that was neither Communist nor allied with the U.S.

-- I told Thuy that we did not quarrel with this objective, but that we differed on how to bring it about. We could not interfere in the South Vietnamese political process, but we felt that a reiteration of statements of neutrality, reinforced by our pledge to pull out forces and to accept other proposed restrictions on our activities, would have the result of opening up the political process in South Vietnam.

-- I added that I did not consider our differences on points 1 and 2 (withdrawal and POWs) to be matters of principle, but issues that could be resolved once we had reached a political understanding. I said we would adjust the date of our pull-out slightly to take account of their goodwill on other issues. I also said that our remaining technical and logistic personnel would be confined to agreed numbers and areas, and would themselves be pulled out at an agreed time (I was prepared to be more specific on numbers and functions but saved this for the

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future in light of their lack of movement on the political issue.)

-- I asked Thuy what he proposed we should do at this point, and he indicated we should both think further and should fix another meeting.

-- Thuy then asked me what I thought the outlook was for the South Vietnamese election. I said that it seemed certain Thieu would win, unless there were an agreement of the kind we had proposed, in which case Minh would have a chance. Thuy said he felt he needed a "guarantee" that Thieu would be replaced, and he used a very soft formulation indicating that the PRG would be prepared to deal with any ruler in South Vietnam other than Thieu who favored peace, independence, and neutrality. I told him we could not collude in the overthrow of Thieu, though we would do what we could to guarantee a free election.

-- After some more exchanges, we agreed to meet again on September 13. Thuy also asked when Ambassador Porter would arrive in Paris and I told him that he would be present for the September 2 session of the talks.

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